IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1648 OF 2007

In

SUIT NO.39 OF 1998

Rajesh Kaura : Plaintiff

V/s.

Smt.Bharti Kumar & Anr. : Defendants

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Mr.Sanjay Udeshi i/b. M/s.Sanjay Udeshi & Co., for the plaintiff.

Mr.S.R.Rajguru with Ms Nisha Valani for defendant no.2.

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CORAM : S.A.BOBDE, J.

DATE : DECEMBER 10, 2007.

P.C.

Heard.

2. The plaintiff seeks a direction to the Reserve Bank of India i.e. the defendant no.2 to deposit the original documents at exhibit 'B' of the plaint and at sr. nos.3, 4, 6, 8 and 11 of the List of Documents enclosed to the Written Statement with the Prothonotary & Senior Master with a view to send the same to the Handwriting Expert to seek his opinion whether the signatures on the said

documents are matching with the signature of the plaintiff appearing on the application dated 12.3.1991 with a view to ascertaining whether the said signatures are forgery. According to the learned counsel for the plaintiff, the plaintiff did not at any point of time make an application for transfer of the bond in favour of the defendant no.1 and the said transfer made by the Reserve Bank of India is on the basis of forged documents. The only way of ascertaining this is by examining the documents by the Handwriting Expert.

3. Hence, in the circumstances, the Chamber Summons is hereby allowed in terms of prayer clauses (a) and (b). The plaintiff shall comply with such request as may be made. The plaintiff shall pay costs which shall be quantified by the Prothonotary & Senior Master. The defendant no.2 shall deposit the said documents within a period of eight weeks from today. The Prothonotary & Senior Master shall refer the documents to the Handwriting Expert within a period of two weeks thereafter.

4. Order accordingly.

S.A. BOBDE, J.